

LAW OFFICES OF HOWARD L. JACOBS

October 16, 2006

VIA FACSIMILE 719-785-2001 AND REGULAR MAIL

Travis Tygart
USADA
1330 Quail Lake Loop, Suite 260
Colorado Springs, CO 80906

VIA FACSIMILE 011 41 24 468 58 12

Delphine Lautenschlager
UCI
CH 1860 Aigle
Switzerland

Re: USADA v. Floyd Landis
AAA Case No. 30 190 00847 06

Dear Mr. Tygart and Ms. Lautenschlager:

In connection with the above-referenced matter, Floyd Landis submits herewith a First Request or Production of Documents; and a First Set of Interrogatories. For your convenience, and to avoid later objection regarding the justification for the necessity of each request, I have coded each request/interrogatory in superscript. The corresponding justifications are as follows:

**CODE FOR JUSTIFICATION OF DOCUMENT / INTERROGATORY
NECESSITY**

- ¹ We question the competency of LNDD in conducting the tests at issue in this case. The documents / information requested are essential to our analysis of the laboratory's competence in this regard.
- ² We have questions regarding the ambiguity of the test methods and positivity criteria at issue in this case. The documents / information requested are essential to our analysis of these ambiguities created by WADA and/or LNDD.
- ³ It is our contention that LNDD did not follow proper testing procedures. The documents / information requested are necessary to our analysis of this issue and the preparation of our defense.
- ⁴ It is our contention that LNDD did not properly interpret the test results in accordance with applicable SOPs and positivity criteria. The documents / information requested are necessary to our analysis of this issue and the preparation of our defense.
- ⁵ The documents provided to date raise questions regarding accuracy that cannot be answered without the requested documents / information.
- ⁶ It is our contention that other test results will corroborate other evidence that the test results related to sample 995474 cannot be accurate. The documents / information requested are necessary to our analysis of this issue and the preparation of our defense.

The corresponding requests and interrogatories are found below.

I. FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

A. DOCUMENTS RELATED TO IRMS ANALYSIS

1. Any Standard Operating Procedure or SOP used by LNDD related to the processing of sample 995474 by GC-C-IRMS.^{1, 2, 3, 4, 5}

2. All documents that evidence, reference or relate to the frequency that LNDD has performed the carbon isotope ratio test for testosterone using any GC-C-IRMS method.¹
3. All documents that evidence, reference or relate to the frequency that WADA-accredited laboratories other than LNDD have performed the carbon isotope ratio test for testosterone using any GC-C-IRMS method.¹
4. All calibration data for GC, MS and IRMS equipment used by LNDD in connection with sample 995474.^{1, 3, 4, 5}
5. All documents that evidence, reference or relate to LNDD's purchase of IRMS equipment and software, and any maintenance logs or updates.^{3, 4}
6. All documents that evidence, reference or relate to the first date that LNDD used the IRMS equipment and software referenced in request number 5 above.^{3, 4}
7. All documents that evidence, reference or relate to LNDD's determination of a measure of uncertainty of 0.8 ‰ for IRMS delta ‰ calculations.^{1, 2, 4, 5}
8. All documents that evidence, reference or relate to the validation of method by WADA of the carbon isotope ratio test for testosterone using any GC-C-IRMS method.^{1, 2, 3, 4}
9. All documents that evidence, reference or relate to approval of LNDD's criteria for determining an Adverse Analytical Finding ("AAF") using the carbon isotope ratio test for testosterone using any GC-C-IRMS method.^{1, 2, 3, 4}
10. All documents that evidence, reference or relate to approval of WADA's criteria for determining an AAF using the carbon isotope ratio test for testosterone using any GC-C-IRMS method.^{1, 2, 3, 4}
11. All documents that evidence, reference or relate to the current IRMS criteria used by LNDD for determining an Adverse Analytical Finding.^{1, 2, 3, 4}
12. All documents that evidence, reference or relate to prior IRMS criteria used by LNDD for determining an Adverse Analytical Finding, if different from the previous request.^{1, 2, 3, 4}
13. All documents that evidence, reference or relate to the current IRMS criteria used by WADA-accredited laboratories other than LNDD for determining an Adverse Analytical Finding.^{1, 2, 3, 4}

14. All documents that evidence, reference or relate to prior IRMS criteria used by WADA-accredited laboratories other than LNDD for determining an Adverse Analytical Finding, if different from the previous request.^{1, 2, 3, 4}
15. All documents that evidence, reference or relate to the selection of metabolites used by LNDD for the carbon isotope ratio test for testosterone using any GC-C-IRMS method.^{1, 2, 3, 4}
16. All documents that evidence, reference or relate to expected delta ‰ values for androsterone for negative control urine used in any GC-C-IRMS method.^{1, 2, 3, 4, 5}
17. All documents that evidence, reference or relate to expected delta ‰ values for etiocholanolone for negative control urine used in any GC-C-IRMS method.^{1, 2, 3, 4, 5}
18. All documents that evidence, reference or relate to expected delta values for 5 α -Androstanediol for negative control urine used in any GC-C-IRMS method.^{1, 2, 3, 4, 5}
19. All documents that evidence, reference or relate to expected delta ‰ values for 5 β -Androstanediol for negative control urine used in any GC-C-IRMS method.^{1, 2, 3, 4, 5}
20. All documents that evidence, reference or relate to any linearity tests that have been carried out by LNDD on the Isoprime used in any GC-C-IRMS method.^{1, 3, 4, 5}
21. All documents that evidence, reference or relate to the creation and accuracy of the background subtraction method used by LNDD in connection with any GC-C-IRMS method.^{1, 3, 4, 5}
22. All documents that evidence, reference or relate to LNDD's usage or non-usage of the "craig" correction in connection with any GC-C-IRMS method.^{1, 3, 4, 5}
23. All documents that evidence, reference or relate to the exact software used by LNDD in connection with any GC-C-IRMS method, including documents related to any software updates.^{3, 4}
24. All documents that evidence, reference or relate to the standards used to calibrate the instrument used by LNDD in connection with any GC-C-IRMS method, including any and all certifications and/or approvals of such calibration standard(s).^{3, 4, 5}
25. All documents that identify the manufacturer's recommended operating pressure of any GC-C-IRMS system.^{3, 4, 5}

26. All calibration certificates for all standards analyzed by LNDD connection with any GC-C-IRMS method.^{3, 4, 5}
27. All documents that evidence, reference or relate to any surveys conducted by WADA or by the World Association of Anti-Doping Scientists (hereinafter "WAADS") regarding samples analyzed that showed T/E ratios above 4 that were also analyzed by any GC-C-IRMS method.²
28. All documents that evidence, reference or relate to any statistics generated by WADA or WAADS regarding how frequently samples analyzed that showed T/E ratios above 4 that were also analyzed by any GC-C-IRMS method were actually confirmed by said GC-C-IRMS method.²
29. All documents that evidence, reference or relate to reservations that have been expressed by WADA or WAADS regarding the validity of the IRMS method.²

B. DOCUMENTS RELATED TO T/E ANALYSIS

30. Any Standard Operating Procedure or SOP used by LNDD related to the processing of sample 995474 by GC/MS.^{1, 2, 3, 4, 5}
31. Any Standard Operating Procedure or SOP used by LNDD related to the processing of sample 995474 by LC/MS.^{1, 2, 3, 4, 5}
32. All documents that evidence, reference or relate to the determination by LNDD of a 20% measure of uncertainty for testosterone concentration.^{1, 2, 3, 4}
33. All documents that evidence, reference or relate to the determination by LNDD of a 30% measure of uncertainty for epitestosterone concentration.^{1, 2, 3, 4}
34. All documents that evidence, reference or relate to the determination by LNDD of 30% measure of uncertainty for T/E ratio.^{1, 2, 3, 4}

C. DOCUMENTS SPECIFICALLY RELATED TO URINE SAMPLE 995474

35. All electronic data files for all test results, "A" and "B" sample 995474.^{1, 3, 4, 5}
36. For any GC-C-IRMS method, all documents that evidence, reference or relate to the calculation of and reasoning for correction factors applied to^{1, 3, 4, 5}:
 - a. Reference samples vs. sample 995474
 - b. Different metabolites.
37. All documents that evidence, reference or relate to the identification of each of the peaks in the IRMS analysis of sample 995474.^{1, 3, 4, 5}
38. All raw data for all IRMS testing performed on sample 995474 and related controls.^{1, 3, 4, 5}
39. All documents which show the non-corrected results of sample 995474 in connection with the GC-C-IRMS method (i.e., results prior to application of the background subtraction method).^{1, 3, 4, 5}
40. All documents that evidence, reference or relate to LNDD's determination of the exact corrections used to calculate corrected delta ‰ figures for sample 995474 and the blank urines used in that GC-C-IRMS analysis.^{1, 3, 4, 5}
41. All documents that evidence, reference or relate to how the IRMS calibration gas has been calibrated by LNDD in connection with sample 995474, including but not limited to details regarding the last date and results of calibration, and the type and grade of purity of the reference gas used.^{1, 3, 4, 5}
42. All documents that evidence, reference or relate to the gas purification systems used by LNDD between the gas bottle and the reference gas box of the IRMS in connection with sample 995474.^{1, 3, 4, 5}
43. All mass spectral data necessary to identify all peaks within the MSD TIC analysis in connection with sample 995474.^{1, 3, 4, 5}
44. All data that has been used to identify the peaks in the IRMS analysis in connection with sample 995474, including any relevant isotope standards not provided within the laboratory documentation provided to date.^{1, 3, 4, 5}

45. All documents which identify the precise time at which each peak on the MSD TIC scan appears in connection with sample 995474.^{3, 4, 5}
46. All documents which explain why a number of the isotope results were printed on the day following the analysis in connection with sample 995474.^{1, 3, 4, 5}
47. All printouts of isotope results which pre-date or post-date those provided within the laboratory documentation package in connection with sample 995474.^{1, 3, 4, 5}
48. All documents that evidence, reference or relate to the intra laboratory chain of custody of sample 995474, along with the relevant entries documenting why the sample results were printed the day following analysis.^{1, 3}
49. All documents that evidence, reference or relate to any post acquisition corrections of data that have been performed by LNDD in relation to sample 995474 other than those shown in the laboratory documentation package.^{1, 3, 4, 5}
50. All FID traces for all analyses of sample 995474 and related controls.^{3, 4}
51. All documents that evidence, reference or relate to whether or not all isotope samples in connection with sample 995474 were run at an operating pressure of 5.2×10^{-6} mb.^{1, 3, 4}
52. All linearity tests performed in connection with any analysis of sample 995474.^{3, 4}
53. Electronic data files of the most recent linearity test(s) conducted by LNDD that pre-date the analysis of sample 995474.^{3, 4}
54. All documents that evidence, reference or relate to how the correction was performed on sample 995474 and related controls; and any and all data necessary to re-calculate the corrections from the raw data.^{1, 3, 4, 5}
55. All contemporary background scans for the Isotope machine (contemporary to the analysis of sample 995474), such that the peaks heights for water and N₂ can be observed.^{3, 4}
56. All contemporary background scans for the Isotope machine (contemporary to the analysis of sample 995474) that specify the trap current of the scan.^{3, 4}

57. All documents that evidence, reference or relate to the fact that the blank urine used in connection with the analysis of sample 995474 was in fact blank.^{3, 4}
58. All data from water blanks run within the batch analysis of sample 995474.^{3, 4}
59. If no water samples were analyzed in connection with the analysis of sample 995474, all documents that evidence, reference or relate to the contention that no cross sample contamination or general sample contamination has occurred.^{3, 4}
60. Electronic copies of all standards run during the analysis along with all FID traces.^{3, 4}
61. Any English translation that has been prepared of any of the documents related to the testing of sample 995474.^{1, 2, 3, 4, 5}

D. DOCUMENTS RELATED TO OTHER URINE AND BLOOD SAMPLES

62. All documents that evidence, reference or relate to each urine and/or blood sample provided by Floyd Landis during 2006 Tour de France including identification of all test results performed and copies of all test results.⁶
63. All documents that evidence, reference or relate to each other sample provided by Floyd Landis from January 1, 2001 through the present including identification of all test results performed and copies of all test results (including all Health test results) including calculation of Testosterone and Epitestosterone.⁶
64. All documents that evidence, reference or relate to whether or not USADA and/or UCI shared information, either intentionally or inadvertently, with LNDD or any other WADA accredited laboratory that may have processed a sample provided by Floyd Landis that would allow such WADA accredited laboratory to link Floyd Landis with any sample provided by Floyd Landis.^{1, 3}

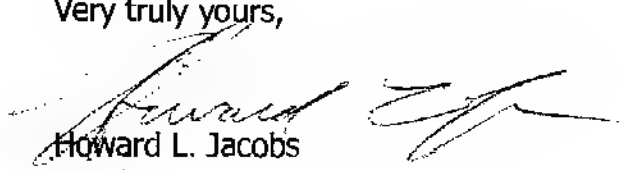
II. INTERROGATORIES:

1. The GC conditions and column type for the Isotope system have been provided apart from the GC flow rates; please provide the flow rates and the same information for the MSD.^{3, 4, 5}
2. Please specify how the IRMS calibration gas has been calibrated by LNDD, including but not limited to details regarding the last date and results of calibration, and the type and grade of purity of the reference gas used.^{3, 4}
3. Please provide details regarding gas purification systems used by LNDD between the gas bottle and the reference gas box of the IRMS.^{1, 3, 4}
4. Please identify the precise time at which each peak on the MSD TIC scan appears.^{1, 3, 4}
5. Please explain why a number of the isotope results were printed on the day following the analysis.^{1, 3}
6. Please confirm that no post acquisition corrections of the data have been performed by LNDD in relation to sample 995474 other than those shown in the laboratory documentation package.^{1, 3, 4, 5}
7. Please explain why LNDD used a background correction during the isotope analysis and provided the same data re-processed with the background subtraction removed.^{1, 3, 4, 5}
8. Please explain, with mathematical formulas, how LNDD performed and applied background subtraction to sample 995474 and related controls.^{1, 3, 4, 5}
9. Please confirm whether or not LNDD applied a craig correction to sample 995474 and related controls.^{1, 3, 4, 5}
10. Please confirm whether or not all isotope samples in connection with sample 995474 were run at an operating pressure of 5.2e-6 mb; and also identify the manufacturer's recommended operating pressure of the system.^{1, 3, 4}
11. Please confirm whether the standard "Mix cal IRMS 003" is in fact VG mix.^{3, 4, 5}
12. Please specify the trap current of the IRMS during all background scans in connection with sample 995474.^{1, 3, 4, 5}
13. Between 200 and 800 seconds in the GC-C-IRMS analysis, there is a discernable lump in the GC trace of the "Mix cal Acetate"; please explain why this is present and what it represents.^{3, 4, 5}

14. Please explain why no linearity tests have been provided with the laboratory document package for sample 995474.^{3, 4, 5}
15. Please confirm that USADA/UCI have not shared information, either intentionally or inadvertently, with LNDD or any other WADA accredited laboratory that may have processed a sample provided by Floyd Landis that would allow such WADA accredited laboratory to link Floyd Landis with any sample provided by Floyd Landis.^{1, 3}

Please provide these documents and interrogatory responses on or before November 6, 2006.

Very truly yours,


Howard L. Jacobs

cc: Floyd Landis (via e-mail)

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